

## **602 KAR 50:090. Permit application procedures.**

RELATES TO: KRS 183.869, 183.870, 183.871

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to outline the procedure that a person shall follow in order to obtain a permit or tentative approval to erect or alter a structure, and defines the authority of the Administrator of the Kentucky Airport Zoning Commission to reject or approve applications for permits and provide for the processing of an application for a permit.

Section 1. (1) Every person who is required by 602 KAR 50:030 to obtain a permit to construct or alter a structure shall send a signed and completed Form TC 56-50, "Application for Permit to Alter or Construct a Structure", revised effective August 2000, to the Administrator of the Kentucky Airport Zoning Commission, Division of Aeronautics, 125 Holmes Street, Frankfort, Kentucky 40622.

(2) Except as set forth in Section 3 of this administrative regulation, the application shall be submitted at least ninety (90) days prior to the date the proposed construction or alteration is scheduled to begin.

Section 2. (1) Upon receipt of the application, the administrator shall review the application to determine if all required information has been submitted.

(2) If the application is incomplete, the administrator shall:

(a) Reject it;

(b) Return it to the person who submitted it; and

(c) Provide a statement of the additional information that is required for a complete application.

(3) If the application is complete, the administrator shall conduct an aeronautical study for the purpose of determining whether to recommend to the commission that a permit be issued.

(4) The preliminary recommendation of the administrator for approval or disapproval may be furnished to the applicant prior to consideration of the application by the commission.

(5) The commencement of any construction or erection of the structure prior to final consideration by the commission and the issuance of a permit shall be at the sole risk of the applicant.

(6) The commission, its members and its administrator shall not be responsible or liable in any manner for any work performed prior to the issuance of a permit.

Section 3. (1) If approval for a temporary structure is being sought, the applicant shall furnish to the administrator an affidavit or sworn statement detailing the conditions and reasons for the extraordinary measures being requested or provide any other information requested by the administrator.

(2) The administrator may approve an application for a temporary structure that will be in existence for a short duration of four (4) months or less. Those temporary structures which will be in existence for greater than four (4) months shall be presented to the commission for consideration.

(3) This approval shall not be granted if it is evident that the proposed temporary structure will adversely affect the safety of air navigation.

Section 4. (1) The administrator shall submit the application, the results of his aeronautical study and his recommendation for commission action to the commission at its next meeting.

(2) At least twenty (20) days prior to the commission meeting at which the application is to be considered, the administrator shall circulate a copy of the application and the conclusions of his aeronautical study to any interested parties, including local airport boards, municipal and county gov-

ernments' officials, airport owners and operators.

(3)(a) An interested party shall be permitted to file with the commission written objections to or remarks about the application.

(b) The objections or remarks shall be filed with the commission not later than the date for filing established in the circulated copy of the application.

(c) The date by which the objections or remarks shall be received by the administrator shall provide all interested parties with at least eighteen (18) days from the date the administrator mailed the notice by first class mail.

Section 5. (1) The application normally shall be considered at the first meeting of the commission after the expiration of the established period in which an interested party could file an objection to or remarks about the application.

(2) A copy of the commission's decision shall be mailed to the applicant and any other interested parties who filed an objection to or remarks about the application.

Section 6. (1) If tentative approval of a permanent structure is being sought, the applicant shall furnish to the administrator an affidavit or sworn statement detailing the conditions and reasons for the extraordinary measures being requested or provide any other information requested by the commission or its administrator.

(2) The commission may grant tentative approval of an application if:

(a) The time for filing an objection to the application has not expired, but it appears to the commission that an objection will not be filed; and

(b) It appears to the commission that the proposed structure will not adversely affect the safety of air navigation; or

(c) Other special conditions imposed in the permit have been met.

(3) The commencement of any construction or erection of the proposed structure the based on the issuance of tentative approval by the commission prior to the issuance of a permit shall be at the sole risk of the applicant.

(4) The commission, its members, and its administrator shall not be responsible or liable in any manner for any work performed prior to the issuance of a permit.

Section 7. Incorporation by Reference. (1) Transportation Cabinet Form TC 56-50, "Application for Permit to Alter or Construct a Structure", revised effective August 2000 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953. (KAV-12; 1 Ky.R. 1044; eff. 6-11-75; Am. 10 Ky.R. 448; 771; eff. 1-4-84; 13 Ky.R. 294; eff. 9-4-86; 19 Ky.R. 804; eff. 11-4-92; 23 Ky.R. 4220; 24 Ky.R. 339; eff. 8-11-97; 27 Ky.R. 2232; 2776; eff. 4-9-2001.)